

A RESOLUTION

NO. 3671-10-2008

URGING LEGISLATIVE ACTION TO PERMIT GREATER LOCAL REGULATORY OVERSIGHT OF INTRASTATE PIPELINE FACILITIES AND INTRASTATE PIPELINE TRANSPORTATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Fort Worth, Texas, is a home-rule municipal corporation located in Tarrant, Denton, Wise, and Parker Counties, created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Office of Pipeline Safety, within the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, has overall regulatory responsibility for hazardous liquid and gas pipelines under its jurisdiction in the United States; and

WHEREAS, as certified by the Office of Pipeline Safety, the State of Texas through the Pipeline Safety Section, Gas Services Division of the Texas Railroad Commission, regulates, inspects, and enforces all intrastate gas and liquid pipeline safety requirements; and

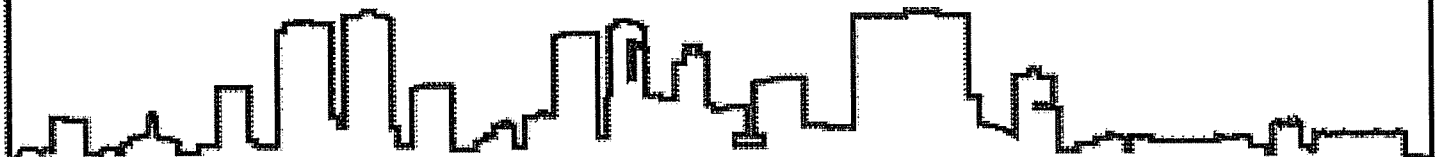
WHEREAS, the Texas Railroad Commission has primary jurisdiction over all persons owning or operating pipelines in Texas and may by rule prescribe or adopt safety standards for the transportation of gas and for gas pipeline facilities; and

WHEREAS, under Section 121.202 of the Texas Utilities Code, a municipality or a county may not adopt or enforce an ordinance that establishes a safety standard or practice applicable to a pipeline facility that is regulated under state or federal law; and

WHEREAS, the preemption of local regulation constrains the ability of the public to participate through their locally elected officials to tailor policies to meet the needs of their city and address the concerns of its citizens related to pipeline location and safety; and

WHEREAS, with the recent development of mineral reserves within the Barnett Shale, gas producing companies require a comprehensive pipeline infrastructure to deliver the produced hydrocarbons from the gas wells to market for public consumption; and

WHEREAS, the numerous gas utilities install a network of permanent gas pipelines and on occasion use eminent domain where necessary to obtain easements across private property; and



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WHEREAS, permanent high-pressured gas pipelines often run through neighborhoods and down the front yards of existing residential homes creating a need for local public process and review; and

WHEREAS, municipalities, due to preemption, are limited in their ability to respond effectively to the issues raised and need the authority to safeguard the long-term economic viability of their neighborhoods, their city and the region.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FORT WORTH, TEXAS, THAT:

SECTION 1.

The City Council of the City of Fort Worth, Texas, respectfully requests and urges the State Legislature to revisit the prudence and continued appropriateness of preempting municipalities from regulating the practices of gas utilities and respectfully requests that the State Legislature confer additional regulatory authority upon municipalities over the activities described herein in order to safeguard the interests of the public, allow the appropriate development of the state's natural resources, and preserve the long-term economic viability of private and public property.

SECTION 2.

This Resolution shall be effective from its date of adoption.

PASSED AND APPROVED by the City Council of the City of Fort Worth, Texas, on the 28th day of October 2008.

ATTEST:

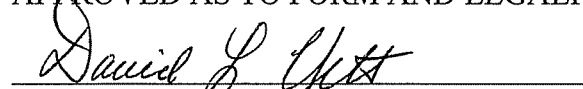

Marty Hendrix, City Secretary

APPROVED
CITY COUNCIL

OCT 28 2008


City Secretary of the
City of Fort Worth, Texas

APPROVED AS TO FORM AND LEGALITY:


City Attorney



CITY OF FORT WORTH